

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

COSTAR REALTY INFORMATION, INC.,  
2 Bethesda Metro Center, 10th Floor  
Bethesda Maryland 20814,

And

COSTAR GROUP, INC.,  
2 Bethesda Metro Center, 10th Floor  
Bethesda, Maryland 20814,

CIVIL ACTION NO. RWT 08-CV-2767

Plaintiffs,

v.

BILL JACKSON & ASSOCIATES  
APPRAISERS, *et. al.*  
17024 Butte Creek Drive, Suite 200  
Houston, Texas 77090-2347

Defendants.

**DEFENDANTS BILL JACKSON, INDIVIDUALLY, AND HOUSTON PROPERTY  
CONSULTANTS' RULE 12(b)(2) MOTION TO DISMISS FOR LACK OF PERSONAL  
JURISDICTION AND, IN THE ALTERNATIVE, MOTION TO DISMISS FOR  
IMPROPER VENUE AND MOTION TO TRANSFER VENUE**

Defendants Bill Jackson, individually, ("Jackson") and Houston Property Consultants ("HPC") (collectively referred to herein as "Defendants"), by and through their counsel Eugene W. Policastri and the firm Bromberg Rosenthal LLP, and William A. Harrison and the firm Strasburger and Price LLP, submit this their Motion to Dismiss for Lack of Personal Jurisdiction pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, and in the alternative, submit their Motion to Dismiss for Improper Venue and Motion to Transfer Venue pursuant to 28 U.S.C. §§ 1404(a) and 1406, and respectfully show the Court as follows:

Jackson has never been to Maryland, has no office, employees, agents, representatives, or accounts in Maryland, and should not be subject to the jurisdiction of Maryland courts. HPC, unlike the Plaintiffs, is a small, independent business licensed to do business only in Texas. HPC has one employee and one office in Houston, Harris County, Texas, and exclusively does business in the Houston Greater Metropolitan area. HPC has no office, employees, agents, representatives, or accounts in Maryland, and should not be subject to the jurisdiction of Maryland courts.

**I.**  
**MOTION TO DISMISS BASED ON LACK OF PERSONAL JURISDICTION**

As more fully set forth in the attached Memorandum of Points and Authorities, Defendants contend that this Honorable Court lacks personal jurisdiction over Defendants and moves for dismissal of Plaintiffs' claims and causes of action because: (1) Defendants did not irrevocably consent to the jurisdiction of Maryland Courts, (2) Defendants did not purposefully direct any of their activities to Maryland with the intent of engaging in business in Maryland; (3) this court lacks general jurisdiction over Defendants because Defendants contacts with Maryland, if any, are not continuous and systematic, and (4) exercising Jurisdiction over Defendants would offend traditional notions of fair play and substantial justice.

**II.**  
**ALTERNATIVE MOTION TO DISMISS FOR IMPROPER VENUE**

Alternatively, Defendants contend that Plaintiffs' claims against them are based on federal questions; therefore, venue is governed by 28 U.S.C. § 1391(b). As more fully set forth in the attached Memorandum of Points and Authorities, Defendants assert that venue in Maryland is improper because (1) no defendant resides in Maryland, (2) none of the events or omissions giving rise to the claim occurred in Maryland, and (3)

the Federal District Court for the Southern District of Texas is an available and adequate venue for Plaintiffs' claims and causes of action. 28 U.S.C. § 1391(b).

**III.**  
**ALTERNATIVE MOTION TO TRANSFER TO THE FEDERAL DISTRICT COURT FOR**  
**THE SOUTHERN DISTRICT OF TEXAS**

In the alternative and without waiving the foregoing, Defendants assert that this court should, for the convenience of the parties and witnesses and in the interest of justice, transfer this case to the Federal District Court for the Southern District of Texas. As more fully explained in their Memorandum of Points and Authorities, Defendants contend that, under 28 U.S.C. 1404(a), convenience transfer is warranted by the (1) interests of justice, (2) convenience of the witnesses, (3) convenience of the parties, (4) financial strength of the parties, and the (5) costs of obtaining attendance of willing witnesses.

Further, there is ongoing litigation between and among many of the same parties to this litigation with suit having been filed by B.F. Jackson, Inc. d/b/a Bill Jackson & Associates and Bill Jackson against Costar Realty Information, Inc. d/b/a Costar Group and Curtis Ricketts in the 55<sup>th</sup> Judicial District Court of Harris County, Texas on July 16, 2008 and removed by Costar Realty Information, Inc. d/b/a Costar Group to the United States District Court for the Southern District of Texas, Houston Division on October 31, 2008.

**IV.**  
**SUPPORTING EVIDENCE**

This motion is supported by the pleadings and papers on file in this case, the attached Memorandum of Points and Authorities, the arguments of counsel, if any, and the following Exhibits:

- Exhibit A      Affidavit of Bill Jackson
- Exhibit B      Letter from Co-Star
- Exhibit C      Terms of Use from costar.com
- Exhibit D      Notice of Removal in Cause No. H-08-CV-3244
- Exhibit E      Order of Conference in Cause No. H-08-CV-3244.

**V.  
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants Bill Jackson, individually, and Houston Property Consultants respectfully request that this Court grant their Motion to Dismiss for Lack of Personal Jurisdiction, or alternatively, grant their Motion to Dismiss for Improper Venue or their Motion to Transfer Venue and transfer this case to the Southern District of Texas, Houston Division, and for such other and further relief, both general and special, at law and in equity, to which Defendants may show themselves to be justly entitled.

Respectfully submitted,

**Bromberg Rosenthal LLP**

By: /s/ Eugene W. PolICASTri

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 7th day of January, 2009, a true and correct copy of the foregoing document was served upon all counsel of record via electronic notice from the Clerk of the Court.

/s/ Eugene W. PolICASTri

**Eugene W. PolICASTri**